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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ZEC, FILIP

ART UNIT	PAPER NUMBER
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3744

MAIL DATE	DELIVERY MODE
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10/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,154	Applicant(s) UMENO, YOSHIHISA	
	Examiner Filip Zec	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 and 5-10 have been considered but are moot in view of the new ground(s) of rejection. This rejection is being made non-final to afford the applicants the opportunity to respond to the new grounds of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5, 6, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,987,904 to Kim et al. (Kim).

In reference to claim 1, Kim teaches a cooling device (FIG. 2) comprising a cooler (11, FIG. 2) provided on at least one side-wall side (G, FIG. A, as annotated by the Examiner) formed with a thermal insulating box (inherent in a freezer construction as shown in Kim, see FIG. 2); a cooling chamber (F, FIG. A) in front of the cooler (11, FIG. 2); and a fan (20, FIG. 2) that allows air in the cooling chamber to flow, wherein the cooler and the cooling chamber are partitioned by a partition (C, FIG. A) so as to allow cold air to be accumulated in the cooler, the fan (20, FIG. 2) is disposed on a side of the cooler (11, FIG. 2) relative to the partition (C, FIG. A), the partition in front of the fan (20, FIG. 2) has an aperture (D, FIG. A) formed in a flat sheet portion (above and below partition C, FIG. A), an open space is formed between the fan and the flat sheet portion in which the aperture is formed (see FIG. 2), cold air accumulated in a space inside

Art Unit: 3744

the partition, and hot air in the cooling chamber are exchanged by the fan (20, FIG. 2) through the aperture (D, FIG. A), wherein the rotation of the fan generates a discharged flow of cold air discharged from the cooler to the cooling chamber through the aperture and a sucked flow of cold air sucked from the cooling chamber to the cooler through the aperture, and the discharged flow and the sucked flow directed from the cooling chamber to the cooler collide with each other in a portion in which the aperture is provided (inherent in the structure as described in Kim, see FIG. 2).

In reference to claim 2, Kim discloses the cooling device as explained in the rejection of claim 1, and Kim also teaches that dimensions of the aperture (D, FIG. A) are larger than a diameter of the fan (20, FIG. 2).

In reference to claim 3, Kim discloses the cooling device as explained in the rejection of claim 2, and Kim also teaches that when viewing the fan (20, FIG. 2) in a direction of a rotation shaft of the fan, the fan is disposed in the aperture (D, FIG. A) and there is an open space outside the fan (in front and around of fan 20, FIG. 2).

In reference to claim 5, Kim discloses the cooling device as explained in the rejection of claim 1, and Kim also teaches that the discharged airflow and the sucked flow collide with each other, thus suppressing the flow speed of the cold air (inherent in the structure as described in Kim, see FIG. 2 and FIG. A).

In reference to claim 6, Kim discloses the cooling device as explained in the rejection of claim 1, and Kim also teaches that the fan (20, FIG. 2) is disposed above the cooler (11, FIG. 2).

Art Unit: 3744

In reference to claim 8, Kim discloses the cooling device as explained in the rejection of claim 1, and Kim also teaches that a slit (B, FIG. A) is formed in the partition (C, FIG. A) at a portion below the cooler (11, FIG. 2).

In reference to claim 10, Kim discloses the cooling device as explained in the rejection of claim 1, and Kim also teaches that a safety cover (grille H, FIG. A) is disposed over the fan aperture (D, FIG. A).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of U.S. Patent 4,420,679 to Howe (Howe).

In reference to claims 7 and 9, Kim discloses the cooling device as explained in the rejection of claim 1, but does not explicitly teach that a fan application with an area of the aperture S and a diameter of the fan R satisfies a plurality of combinations, including the following relationship

$$1.5 \times \pi(R/2)^2 \leq S \leq 2 \times \pi(R/2)^2$$

Howe teaches (FIG. 3) that the aperture diameter is approximately twice the length of the fan sweep diameter, and therefore, meets the limitation criteria in order to advantageously create a more subtle temperature gradient throughout the chamber by way of enhanced mixing, and

Art Unit: 3744

thereby, providing a more predictable environment within the enclosure for more predictable results

Therefore, it would thus have been obvious to one of ordinary skill in the art at the time of the invention was made to additionally modify Lazar by proportioning the fan to aperture ratio in accordance with

$$1.5 \times \pi(R/2)^2 \leq S \leq 2 \times \pi(R/2)^2$$

as taught by Howe in order to advantageously create a more subtle temperature gradient throughout the chamber by way of enhanced mixing, and thereby, providing a more predictable environment within the enclosure for more predictable results. It would have been further obvious to one of ordinary skill in the art at the time of the invention was made to modify the apparatus of Lazar with an oversized fan aperture with a plurality of proportions with said range in order to advantageously create a customized flow pattern, and thereby, further satisfying designers criteria to afford better results.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,144,720 to Subera et al. teach an air defrost system using secondary air band components.

U.S. Patent 5,941,087 to Lee teaches a refrigerator having an apparatus for preventing an air from flowing into the refrigerator.

Art Unit: 3744

U.S. Patent 4,044,570 to Ono et al. teaches a refrigerator with a driving motor outside of the refrigerator.

U.S. Patent 3,759,053 to Swaneck, Jr. teaches an air control for fresh food compartment quick chill operation.

U.S. Patent 6,584,799 to Jung et al. teaches a cooling air blowing apparatus of refrigerator.

U.S. Patent 6,381,982 to Kim teaches a cooling air circulating system for use in a refrigerator.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip Zec whose telephone number is 571-270-5846. The examiner can normally be reached on Monday-Friday, from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Frantz Jules or Cheryl Tyler can be reached on 571-272-6681 or 571-272-4834, respectively. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Z./
Examiner, Art Unit 3744

/Cheryl J. Tyler/
Supervisory Patent Examiner, Art Unit
3744

10/7/09